

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JANET K. FOSTER, Personal
Representative of the Estate of Michael
E. Foster, Deceased;

Plaintiff,

vs.

SANDY PINE SYSTEMS, INC., a
Nebraska Corporation; and AUXIANT
PROPERTIES, L.L.C., an Iowa Limited
Liability Company;

Defendants.

8:22CV304

ORDER

This case was filed in the District Court of Rock County, Nebraska on July 18, 2022 and it was removed to this court on August 24, 2022. ([Filing No. 1](#)). Attorney Nathan P. Husak, counsel for the plaintiff, was not registered for the CM/ECF system. Accordingly, the Clerk mailed a letter, dated August 25, 2022, advising counsel that if he did not register within 15 days of the letter, the matter would be referred to the undersigned for entry of a show cause order. ([Filing No. 5](#)).

A motion to dismiss was filed by Defendants on August 30, 2022. ([Filing No. 6](#)). The motion and brief contain no certificate of service indicating the filings were mailed to counsel, and, as Plaintiff's counsel was not registered for CM/ECF, counsel could not receive electronic notice. (Filing Nos. [6](#), [7](#)). No response has been filed as to the pending motion to dismiss.

An order to show cause was entered on September 26, 2022 ordering Husak to register for CM/ECF or show cause by written affidavit why compliance was not

possible as required under the rules of the court. ([Filing No. 8](#)). A copy of the order was mailed to Husak at his office address. Husak filed a motion to withdraw on October 3, 2022 stating that Plaintiff had retained other counsel in this matter. ([Filing No. 9](#)). The court granted Husak's motion to withdraw and gave Plaintiff until November 2, 2022 to obtain the services of counsel and have that attorney file an appearance in this case, or file a statement notifying the court of her intent to litigate this case without the assistance of counsel. ([Filing No. 10](#)).

On October 10, 2022, attorney Maren L. Chaloupka entered an appearance on behalf of Plaintiff, Janet K. Foster, Personal Representative of the Estate of Michael E. Foster, Deceased. ([Filing No. 11](#)).

IT IS ORDERED:

- 1) The clerk shall regenerate all ECF notices for this case.
- 2) On or before October 17, 2022, counsel for the parties shall contact chambers at zwart@ned.uscourts.gov or (402) 437-1670 to schedule a telephone conference before the undersigned magistrate judge.

Dated this 11th day of October, 2022.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge